IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 37834 of 2004(D)

PETITIONERS:

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1. **RAJAN.V., VILLAMARANDATHIL HOUSE, P.O. KALLUVAZHI, VIA THIRUVAZHIYODE, PALAKKAD.**

2. **SUNIL.M.P., MULLASSERY HOUSE, PERUMPANACHY P.O., CHANGANASSERY.**

3. **MANOJ.C.P., CHELLISSERIYIL HOUSE, PINDIMANA P.O., KOTHAMANGALAM VIA, ERNAKULAM DISTRICT.**

4. **ABHAYA KUMAR.P.P., POKKALIL HOUSE, EZHUPUNNA P.O., CHERTHALA.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

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1. **THE KERALA PUBLIC SERVICE COMMISSION REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM.**

2. **THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM.**

3. **THE DIRECTOR, SURVEY AND LAND RECORDS, THIRUVANANTHAPURAM.**

BY ADV. SRI. P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007 ALONG WITH WPC NO. 8693 OF 2005 AND WPC NO. 23120 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.37834/2004 D

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE NOTIFICATION DTD. 30/09/1996 VIDE CATEGORY NO.184/96 INVITING APPLICATION FOR THE POST OF IIND GRADE SURVEYOR IN THE DEPARTMENT OF SURVEY AND LAND RECORDS.**

EXT.P2: **COPY OF THE RANK LIST DTD. 31/12/2001 ISSUED BY THE P.S.C. FOR THE POST OF IIND GRADE SURVEYOR IN THE DEPARTMENT OF SURVEY AND LAND RECORDS.**

/TRUE COPY/

KSS

K. BALAKRISHNAN NAIR, J.

W.P.(C) Nos.37834 of 2004 &
8693 & 23120 of 2005

Dated this the 25th June, 2007.

JUDGMENT

The petitioners in these writ petitions were candidates included in the rank list published by the Public Service Commission for appointment to the post of Surveyor Grade II, in the Department of Survey and Land Records. The qualifications prescribed for the post were S.S.L.C. and I.T.I. (Surveyor Trade), or equivalent. In the absence of candidates with the technical qualification of I.T.I. Surveyor Trade or equivalent, candidates with Higher Survey Test were eligible to be considered. In the absence of candidates with Higher Survey Test, candidates with Chain Survey Test were eligible to be considered. The Public Service Commission prepared and published three rank lists, based on the technical qualifications possessed, by the concerned candidates. For convenience, they are called as list I, list II and list III. Supplementary list were available only with List III. The petitioners in these writ petitions were included in the supplementary lists attached to list III. After exhausting lists I

and II, candidates were advised from list III. By December, 2004, the main list of list III. By that time, the turn of the petitioners did not reach. Therefore, they could not get advice or appointment. Hence these writ petitions.

2. According to the petitioners, while operating lists I and II, for granting communal reservation to various eligible communities, the persons included in list III or the supplementary lists attached to the said list should have been advised. In other words, in the absence of candidates eligible for reservation in lists I and II, the Public Service Commission should have gone to list III and the supplementary lists attached to it. At the first instance, persons belonging to communities eligible for reservation in the main list and, thereafter, those included in the supplementary list should have been advised, it is submitted.

3. The Public Service Commission has filed counter affidavit, resisting the contentions of the petitioners.

4. Heard counsel on both sides.

5. Candidates from list II could be appointed if only candidates in list I are exhausted. Candidates from list III could be advised only after exhausting candidates in lists I and II, because the notification specified that only in the absence of candidates with the preferential technical qualifications, persons with the 2nd or 3rd alternative qualifications will be considered. If the contentions of the petitioners are accepted, before exhausting lists I and II, advice of candidates from list III will have to be made. The same runs counter to the rules, prescribing qualifications and also against the notification issued by the Public Service Commission. Therefore, the said contention cannot be accepted.

These writ petitions, therefore, fail and are dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.